

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 371.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-17, 34-38, drawn to an in-vivo information acquisition apparatus and a method for acquiring in-vivo information.

Group II, claim(s) 18-33, drawn to an in-vivo information acquisition apparatus.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The independent claims in group I do lack the same technical feature of independent claim 18 in group II, namely a capsule medical apparatus for releasing and storing an in-vivo information acquisition apparatus. Likewise, the independent claim in group II does not require the special technical feature in group I of an acquisition apparatus with a labeling section having identification information unique to the in-vivo information acquisition apparatus. Therefore, a holding that these two groups does not have a single general inventive concept is proper.

3. A telephone call was made to Thomas Spinelli on 11/29/07 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103 (a) of the other invention. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renee Danega whose telephone number is (571) 270-3639. The examiner can normally be reached on Monday through Thursday 7:30-5:00 eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Yao can be reached on (517) 272-1224. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RAD

/Sam Chuan C. Yao/
Supervisory Patent Examiner, Art Unit 4111